

Executive Summary – Enforcement Matter – Case No. 51368
Masco Cabinetry LLC
RN102593894
Docket No. 2015-1513-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Masco Cabinetry Duncanville, 515 Big Stone Gap Road, Duncanville, Dallas County

Type of Operation:

Cabinet component manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,838

Amount Deferred for Expedited Settlement: \$5,967

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$23,871

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 30, 2015

Date(s) of NOE(s): August 4, 2015

Executive Summary – Enforcement Matter – Case No. 51368
Masco Cabinetry LLC
RN102593894
Docket No. 2015-1513-AIR-E

Violation Information

1. Failed to comply with the permitted emissions rate. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") annual emissions rate of 4.13 tons per year, based on any consecutive 12-month period, at the Frames Booth, Emissions Point Number BTH-2C, by an average of 1.24 tons of unauthorized VOC for the consecutive 12-month periods ending from April 2012 through June 2015 [30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), Permit by Rule ("PBR") Registration No. 111045, Federal Operating Permit ("FOP") No. O1127, Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit deviation reports no later than 30 days after the end of each reporting period. Specifically, the deviation reports for the June 1 through November 30, 2010 reporting period, the December 1, 2010 through May 31, 2011 reporting period, the June 1 through November 30, 2011 reporting period, and the December 1, 2011 through May 31, 2012 reporting period were due by December 30, 2010, June 30, 2011, December 30, 2011, and June 30, 2012, respectively, in order to report the deviations for failing to develop a work practices implementation plan and failing to maintain records for the work practices implementation plan, but were not submitted [30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.143(4), FOP No. O1127, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By December 22, 2014, reported the previously unreported deviations in subsequent deviation reports; and
- b. By July 23, 2015, increased the certified emissions rate in PBR Registration No. 111045.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 51368
Masco Cabinetry LLC
RN102593894
Docket No. 2015-1513-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2583; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Robert D. Wilson, Jr., Plant Manager, Masco Cabinetry LLC, 515 Big
Stone Gap Road, Duncanville, Texas 75137

Respondent's Attorney: N/A

DATES	Assigned	3-Aug-2015	Screening	2-Oct-2015	EPA Due	25-Jan-2016
	PCW	26-Oct-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	Masco Cabinetry LLC
Reg. Ent. Ref. No.	RN102593894
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION	
Enf./Case ID No.	51368
Docket No.	2015-1513-AIR-E
Media Program(s)	Air
Multi-Media	
No. of Violations	2
Order Type	1660
Government/Non-Profit	No
Enf. Coordinator	David Carney
EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0
Maximum	\$25,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 \$33,750
ADJUSTMENTS (+/-) TO SUBTOTAL 1 <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History 2.0% Adjustment	Subtotals 2, 3, & 7 \$675
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Notes: Enhancement for one NOV with same/similar violations and reduction for one notice of intent to conduct an audit and one disclosure of violations. </div>	
Culpability 0.0% Enhancement	Subtotal 4 \$0
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Notes: The Respondent does not meet the culpability criteria. </div>	
Good Faith Effort to Comply Total Adjustments	Subtotal 5 -\$8,437
Economic Benefit 0.0% Enhancement* <small>Total EB Amounts \$827 Estimated Cost of Compliance \$5,000</small>	Subtotal 6 \$0 <small>*Capped at the Total EB \$ Amount</small>
SUM OF SUBTOTALS 1-7	Final Subtotal \$25,988
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% <small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>	Adjustment \$0
<div style="border: 1px solid black; height: 30px; margin-top: 5px;"> Notes: </div>	
Final Penalty Amount \$25,988	
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$25,988
DEFERRAL 20.0% Reduction <small>Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>	Adjustment -\$5,197
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Notes: Deferral offered for expedited settlement. </div>	
PAYABLE PENALTY	\$20,791

Screening Date 2-Oct-2015

Docket No. 2015-1513-AIR-E

PCW

Respondent Masco Cabinetry LLC

Policy Revision 4 (April 2014)

Case ID No. 51368

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102593894

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 2%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 2-Oct-2015

Docket No. 2015-1513-AIR-E

PCW

Respondent Masco Cabinetry LLC

Policy Revision 4 (April 2014)

Case ID No. 51368

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102593894

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 106.6(b) and 122.143(4), Permit by Rule ("PBR")
Registration No. 111045, Federal Operating Permit ("FOP") No. O1127, Special
Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted emissions rate. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") annual emissions rate of 4.13 tons per year, based on any consecutive 12-month period, at the Frames Booth, Emissions Point Number BTH-2C, by an average of 1.24 tons of unauthorized VOC for the consecutive 12-month periods ending from April 2012 through June 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 7

1185 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$26,250

Seven semiannual events are recommended for the period of non-compliance from April 1, 2012 through June 30, 2015.

Good Faith Efforts to Comply

25.0%

Reduction \$6,562

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent came into compliance on July 23, 2015, prior to the August 4, 2015 Notice of Enforcement ("NOE").

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$827

Violation Final Penalty Total \$20,213

This violation Final Assessed Penalty (adjusted for limits) \$20,213

Economic Benefit Worksheet

Respondent Masco Cabinetry LLC

Case ID No. 51368

Reg. Ent. Reference No. RN102593894

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Apr-2012	23-Jul-2015	3.31	\$827	\$827
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to increase the certified emissions rate in PBR Registration No. 111045. The Date Required is the initial date of non-compliance and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$827

Screening Date 2-Oct-2015

Docket No. 2015-1513-AIR-E

PCW

Respondent Masco Cabinetry LLC

Policy Revision 4 (April 2014)

Case ID No. 51368

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102593894

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.145(2)(C) and 122.143(4), FOP No. O1127, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit deviation reports no later than 30 days after the end of each reporting period. Specifically, the deviation reports for the June 1 through November 30, 2011 reporting period and the December 1, 2011 through May 31, 2012 reporting period were due by December 30, 2011 and June 30, 2012, respectively, in order to report the deviations for failing to develop a work practices implementation plan and failing to maintain records for the work practices implementation plan, but were not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

1088 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended for two delinquent reports.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on December 22, 2014, prior to the August 4, 2015 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,775

This violation Final Assessed Penalty (adjusted for limits) \$5,775

Economic Benefit Worksheet

Respondent Masco Cabinetry LLC

Case ID No. 51368

Reg. Ent. Reference No. RN102593894

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit Included in Violation No. 1 of the Penalty Policy Revision 2 PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

DATES	Assigned	3-Aug-2015	Screening	2-Oct-2015	EPA Due	25-Jan-2016
	PCW	26-Oct-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	Masco Cabinetry LLC		
Reg. Ent. Ref. No.	RN102593894		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	51368	No. of Violations	1
Docket No.	2015-1513-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum		\$0	Maximum
			\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)			Subtotal 1
			\$5,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7
			\$100
Notes	Enhancement for one NOV with same/similar violations and reduction for one notice of intent to conduct an audit and one disclosure of violations.		
Culpability	No	0.0%	Enhancement
			Subtotal 4
			\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments			Subtotal 5
			-\$1,250
Economic Benefit		0.0%	Enhancement*
			Subtotal 6
			\$0
Total EB Amounts	\$100	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$500		
SUM OF SUBTOTALS 1-7			Final Subtotal
			\$3,850
OTHER FACTORS AS JUSTICE MAY REQUIRE			0.0%
Reduces or enhances the Final Subtotal by the indicated percentage.			Adjustment
			\$0
Notes			
			Final Penalty Amount
			\$3,850
STATUTORY LIMIT ADJUSTMENT			Final Assessed Penalty
			\$3,850
DEFERRAL		20.0%	Reduction
			Adjustment
			-\$770
Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$3,080

Screening Date 2-Oct-2015

Docket No. 2015-1513-AIR-E

PCW

Respondent Masco Cabinetry LLC

Policy Revision 2 (September 2002)

Case ID No. 51368

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102593894

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 2-Oct-2015

Docket No. 2015-1513-AIR-E

PCW

Respondent Masco Cabinetry LLC

Policy Revision 2 (September 2002)

Case ID No. 51368

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102593894

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.145(2)(C) and 122.143(4), Federal Operating Permit No. O1127, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit deviation reports no later than 30 days after the end of each reporting period. Specifically, the deviation reports for the June 1 through November 30, 2010 reporting period and the December 1, 2010 through May 31, 2011 reporting period were due by December 30, 2010 and June 30, 2011, respectively, in order to report the deviations for failing to develop a work practices implementation plan and failing to maintain records for the work practices implementation plan, but were not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 1453 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$5,000

Two single events are recommended for two delinquent reports.

Good Faith Efforts to Comply

25.0%

Reduction \$1,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on December 22, 2014, prior to the August 4, 2015 Notice of Enforcement.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$3,850

This violation Final Assessed Penalty (adjusted for limits) \$3,850

Economic Benefit Worksheet

Respondent Masco Cabinetry LLC

Case ID No. 51368

Reg. Ent. Reference No. RN102593894

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	30-Dec-2010	22-Dec-2014	3.98	\$100	n/a	\$100

Notes for DELAYED costs

Estimated delayed cost to report the previously unreported deviations in subsequent deviation reports. The Date Required is the date the first deviation report was due and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$100



Compliance History Report

PENDING Compliance History Report for CN603315011, RN102593894, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN603315011, Masco Cabinetry LLC	Classification:	SATISFACTORY	Rating:	0.61
Regulated Entity:	RN102593894, Masco Cabinetry Duncanville	Classification:	SATISFACTORY	Rating:	1.10
Complexity Points:	9	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	515 BIG STONE GAP RD DUNCANVILLE, TX 75137-2221, DALLAS COUNTY				
TCEQ Region:	REGION 04 - DFW METROPLEX				

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 15506	AIR NEW SOURCE PERMITS REGISTRATION 7624
AIR NEW SOURCE PERMITS PERMIT 9156	AIR NEW SOURCE PERMITS REGISTRATION 14093
AIR NEW SOURCE PERMITS REGISTRATION 36044	AIR NEW SOURCE PERMITS ACCOUNT NUMBER DB0838F
AIR NEW SOURCE PERMITS AFS NUM 4811300733	AIR NEW SOURCE PERMITS REGISTRATION 111070
AIR NEW SOURCE PERMITS REGISTRATION 111047	AIR NEW SOURCE PERMITS REGISTRATION 111068
AIR NEW SOURCE PERMITS REGISTRATION 111045	AIR OPERATING PERMITS PERMIT 1127
AIR OPERATING PERMITS ACCOUNT NUMBER DB0838F	AIR EMISSIONS INVENTORY ACCOUNT NUMBER DB0838F
POLLUTION PREVENTION PLANNING ID NUMBER P00551	STORMWATER PERMIT TXR05CA48

Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	October 26, 2015				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	October 26, 2010 to October 26, 2015				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	David Carney	Phone:	(512) 239-2583		

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
Item 1 June 09, 2011 (913510)

Item 2	February 06, 2012	(981290)
Item 3	May 14, 2014	(1157392)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/04/2015	(1254476)	CN603315011
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.410 40 CFR Chapter 63, SubChapter C, PT 63, SubPT JJ 63.803(a) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to develop and maintain a work practice implementation plan for Line 5 (Flatline) within 60 days of being put into operation		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 7 OP		
	Description:	Failure to conduct daily pressure drop readings across the baghouses subject to compliance assurance monitoring (CAM)		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.410 40 CFR Chapter 63, SubChapter C, PT 63, SubPT JJ 63.806(c) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to maintain all records associated with fulfilling the requirements of the work practice implementation plan		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 113, SubChapter C 113.410 40 CFR Chapter 63, SubChapter C, PT 63, SubPT JJ 63.807(c)(3) 40 CFR Part 63, Subpart JJ 63.804(g)(8) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to timely report provisions of the work practice implementation plan that have not been implemented in semi-annual 40 CFR 63, Subpart JJ compliance reports		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to report all instances of deviations of the Title V permit		

F. Environmental audits:

Notice of Intent Date:	11/20/2013	(1134583)
Disclosure Date:	12/17/2013	
Viol. Classification:	Minor	
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT SC 10C	
Description:	Failed to have completed records of material substitutions made on Line 5 for the past two years.	
Viol. Classification:	Minor	
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT SC 9	
Description:	Failed to use proper materials for materials substitution on Line 5. They did not meet the requirements of the materials substitution provision in the permit.	
Viol. Classification:	Minor	
Citation:	30 TAC Chapter 101, SubChapter A 101.10	
Description:	Failed to report the correct amount of VOC emissions from EPN VENT on the 2012 Annual Emissions Inventory form. They were under reported.	

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

1. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MASCO CABINETRY LLC
RN102593894

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-1513-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Masco Cabinetry LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a cabinet component manufacturing plant located at 515 Big Stone Gap Road in Duncanville, Dallas County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 9, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Nine Thousand Eight Hundred Thirty-Eight Dollars (\$29,838) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Three Thousand Eight Hundred Seventy-One Dollars (\$23,871) of the administrative penalty

and Five Thousand Nine Hundred Sixty-Seven Dollars (\$5,967) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By December 22, 2014, reported the previously unreported deviations in subsequent deviation reports; and
 - b. By July 23, 2015, increased the certified emissions rate in Permit by Rule ("PBR") Registration No. 111045.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the permitted emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), PBR Registration No. 111045, Federal Operating Permit ("FOP") No. O1127, Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 30, 2015. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") annual emissions rate of 4.13 tons per year, based on any consecutive 12-month period, at the Frames Booth, Emissions Point Number BTH-2C, by an average of 1.24 tons of unauthorized VOC for the consecutive 12-month periods ending from April 2012 through June 2015.

2. Failed to submit deviation reports no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.143(4), FOP No. 01127, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 30, 2015. Specifically, the deviation reports for the June 1 through November 30, 2010 reporting period, the December 1, 2010 through May 31, 2011 reporting period, the June 1 through November 30, 2011 reporting period, and the December 1, 2011 through May 31, 2012 reporting period were due by December 30, 2010, June 30, 2011, December 30, 2011, and June 30, 2012, respectively, in order to report the deviations for failing to develop a work practices implementation plan and failing to maintain records for the work practices implementation plan, but were not submitted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Masco Cabinetry LLC, Docket No. 2015-1513-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Barbara Morris

For the Executive Director

5/16/16

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Robert D. Wilson Jr

Signature

1/18/2016

Date

Robert D. Wilson Jr

Name (Printed or typed)
Authorized Representative of
Masco Cabinetry LLC

PLANT MANAGER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.